

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Civil Action No.: 5:11-cv-00051-F

BAC HOME LOANS SERVICING,	)
LP F/K/A COUNTRYWIDE	)
HOME LOANS SERVICING, LP,	)
	)
Plaintiff,	)
vs.	)
	)
IVAN POWELL; CANDACE POWELL;	) <b>ORDER FOR ENTRY</b>
CARLTON GROUP OF NORTH	) <b>OF DEFAULT AS TO</b>
CAROLINA, LLC;	) <b>DEFENDANTS IVAN POWELL AND</b>
CARLTON CONSTRUCTION CORP.	) <b>CANDACE POWELL</b>
PENSION FUND; MURDOCK AND	)
GANNON CONSTRUCTION, INC.;	)
UNITED STATES DEPARTMENT OF	)
HOUSING & URBAN DEVELOPMENT;	)
NATIONWIDE TRUSTEE SERVICES,	)
INC; CACH, LLC;	)
GRANITE RIDGE SUBDIVISION	)
HOMEOWNERS ASSOCIATION, INC.,	)
	)
Defendants.	)

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THIS MATTER came before the Clerk of Court on Plaintiff's Motion for Entry of Default as to Defendants Ivan Powell and Candace Powell. [Doc 59] The Clerk of Court finds that an evidentiary hearing is not required, the matter is otherwise ripe for review and finds as follows:

**PROCEDURAL BACKGROUND**

On February 2, 2011, Plaintiff filed suit against Defendants for reformation of instruments of title and foreclosure, [Doc 1] to which summons issued as to Defendants Ivan Powell and Candace

Powell and was served upon Defendants Ivan Powell and Candace Powell through publication pursuant to N.C. Gen. Stat. § 1A-1, Rule 4(j1) on January 18, 2012. [Doc 58]

Defendants Ivan Powell and Candace Powell failed to file responsive pleadings as required by Fed. R. Civ. P. 12. and are in default of the Complaint.

Pursuant to Fed. R. Civ. P. 55 (a) Plaintiff is entitled to entry of Clerk's Default as to its Complaint against the Defendants Ivan Powell and Candace Powell.

CONCLUSION

Accordingly, after a careful review of the record and the Clerk being otherwise fully advised, it is ORDERED AND ADJUDGED that Plaintiff's Motion for Entry of Default as to Defendants Ivan Powell and Candace Powell is GRANTED.

This 23<sup>rd</sup> day of April 2012.

*Julia Richards*